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10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**  
14

15 IN RE: HIGH-TECH EMPLOYEE  
16 ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

17 THIS DOCUMENT RELATES TO:  
18  
19 ALL ACTIONS

**DECLARATION OF GREGORY M.  
SERGI ON BEHALF OF INTEL IN  
SUPPORT OF DEFENDANTS'  
RENEWED MOTION TO SEAL  
MATERIALS IN CONNECTION WITH  
SUMMARY JUDGMENT AND  
DAUBERT MOTIONS**

1 I, Gregory M. Sergi, hereby declare and say:

2 1. I am an attorney with Munger, Tolles & Olson LLP, counsel of record for Intel  
 3 Corporation (“Intel”) in this case, and am admitted to practice before this Court. I make this  
 4 declaration in support of Defendants’ Renewed Motion to Seal Materials in Connection with  
 5 Summary Judgment and Daubert Motions being filed concurrently with this Declaration. On  
 6 behalf of Intel, I make this declaration pursuant to Local Rules 79-5(d) and 7-11(a) to demonstrate  
 7 compelling reasons for the portions of the documents described below to be filed under seal. If  
 8 called and sworn as a witness, I could and would competently testify to the matters stated below.

9 2. I have reviewed the documents listed below, and made specific, narrowly tailored  
 10 redactions where necessary to protect highly confidential and highly sensitive Intel information  
 11 regarding its compensation, hiring, and recruiting practices.

12 *The Reasons for Sealing the Redacted Information*

13 3. The grounds for Intel’s redactions identified below are set forth in the Declaration  
 14 of Tina M. Evangelista in Support of Plaintiffs’ Administrative Motion to File Under Seal  
 15 Plaintiffs Notice of Motion and Motion for Class Certification, and Memorandum of Law in  
 16 Support, Docket Item 203 (Oct. 8, 2012) (“Evangelista Decl.”) and the Declaration of Tina M.  
 17 Evangelista in Support of Renewed Administrative Motion to Seal, Docket Item 287 (Jan. 22,  
 18 2013) (“Evangelista II Decl.”), as well as other declarations specifically referenced below. The  
 19 types of confidential Intel information reflected in the documents at issue here are the same (or  
 20 substantially similar) to the types of confidential Intel information described in the Evangelista  
 21 Declarations. As explained in the Evangelista Declarations, the information at issue here reflects  
 22 confidential business information that gives Intel a competitive advantage in recruiting, retaining,  
 23 and compensating employees. Evangelista Decl. ¶ 4. Intel derives independent economic value  
 24 from the strategic information and raw data contained in these documents not being generally  
 25 known to the public or to other persons who can obtain economic value from its disclosure or use.  
 26 *Id.* ¶ 5. It is Intel’s practice to treat these documents and data as confidential, and not to disclose  
 27 them outside the company. *Id.* ¶ 6. The information reflected in the documents at issue here  
 28 quotes from, describes, or reflects analysis of Intel’s documents and data that have been

1 designated “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” (“AEO”) pursuant to the  
2 Protective Order in this Action.

3 *The Intel Confidential Information that Should be Sealed*

4 4. Specifically, Intel seeks to seal the following highly confidential, commercially  
5 sensitive information:

6  
7 *Expert Reports and Expert Declarations*

8  
9 5. **Initial Class Certification Report of Edward E. Leamer, Ph.D. (October 1,  
10 2012):** The grounds for redactions relating to Intel confidential information are stated in the  
11 Evangelista Declaration.

12 6. **Reply Expert Report of Edward E. Leamer, Ph.D (Dec. 10, 2012):** The grounds  
13 for redactions relating to Intel confidential information are stated in the Declaration of Susan J.  
14 Welch, Docket Item 255 (Dec. 17, 2012).

15 7. **Supplemental Expert Report of Edward E. Leamer, Ph.D (May 10, 2013):** The  
16 grounds for redactions relating to Intel confidential information are stated in the Declaration of  
17 Krystal N. Bowen in support of Defendants’ Joint Response to Plaintiffs’ Administrative Motion  
18 to File Under Seal Plaintiffs’ Supplemental Motion in Support of Class Certification and Related  
19 Documents, Docket Item 430 (May 17, 2013) (“Bowen Decl.”). This Court approved these  
20 redactions in its Order dated March 14, 2013, Docket Item 730.

21 8. **Rebuttal Supplemental Expert Report of Edward E. Leamer, Ph.D. (July 12,  
22 2013):** The grounds for redactions relating to Intel confidential information are stated in the  
23 Declaration of Frank Busch in support of Defendants’ Joint Response to Plaintiffs’ Administrative  
24 Motion to File Under Seal, Docket Item 466 (July 19, 2013). This Court approved these  
25 redactions in its Order dated March 14, 2013, Docket Item 730.

26 9. **Expert Report of Edward E. Leamer, Ph.D. (Oct. 28, 2013):**

27 • Figure 2 contains information describing confidential Intel employment and  
28 compensation data.

1                   •     Figure 4 and the related text in Paragraphs 36, 42, and 43 contain  
2                   information describing confidential Intel compensation data, in particular it  
3                   reflects the average total compensation for Intel employees in and outside of  
4                   California.

5                   10. **Reply Expert Report of Edward E. Leamer, Ph.D. (December 11, 2013):**

6                   •     Table 1 contains information describing confidential Intel employment and  
7                   compensation data.  
8                   •     Paragraph 31 contains information describing confidential Intel  
9                   employment and compensation data, in particular it reflects actual  
10                   compensations ranges for a specific Intel job title  
11                   (COMPONENT\_DESIGN\_ENGR\_7).  
12                   •     Table 4 contains information reflecting Intel's confidential compensation  
13                   practices, in particular the information reflects actual correlations between  
14                   Intel's grant of equity compensation and job grade.  
15                   •     Figure 14 contains information describing confidential Intel compensation  
16                   data, in particular it reflects Intel's average total compensation from 2001 to  
17                   2011.  
18                   •     Appendix A, Paragraph 2 contains information describing confidential Intel  
19                   employment and compensation data, in particular it reflects actual  
20                   compensations ranges for a specific Intel job title (CAD\_ENGINEER\_7).

21                   11. **Expert Report of Kevin F. Hallock (May 10, 2013):** The grounds for redactions  
22                   relating to Intel confidential information are stated in the Bowen Declaration, as modified to  
23                   reflect the redactions approved by the Court in its Order dated March 14, 2013, Docket Item 730.

24                   12. **Expert Report of Kevin F. Hallock (Oct. 27, 2013):** The grounds for redactions  
25                   relating to Intel confidential information are stated in the Bowen Declaration. The redactions  
26                   relating to Intel confidential information in Paragraphs 61, 64, 67-68, 71, 128-29, 132-35, 141-42,  
27                   144, 175 and Figure 11 are identical substantively similar to the redactions requested by Intel to  
28                   the Expert Report of Kevin F. Hallock (May 10, 2013), as described immediately above, and as

1 modified to reflect the redactions approved by the Court in its Order dated March 14, 2013,  
2 Docket Item 730.

3       **13. Expert Report of Elizabeth Becker, Ph.D. (Nov. 25, 2013):**

- 4           • Paragraphs 50-54, 56-57 and accompanying footnote 48 contain  
5            confidential information describing Intel compensation practices, in  
6            particular these paragraphs describe extensively Intel's pay ranges for  
7            various job grades and reflects actual compensation ranges for specific Intel  
8            job titles and grades.
- 9           • Paragraphs 58-59 contain confidential information describing Intel  
10           compensation practices, in particular the actual compensation paid to  
11           Plaintiff Mark Fichtner in relation to his pay grades at Intel.
- 12           • Paragraph 80 contains confidential information reflecting Intel  
13           compensation data, including specific discussion of Intel's average base  
14           salaries from 2001-2011.
- 15           • Paragraph 111 contains confidential information describing Intel  
16           compensation practices, in particular the actual equity grants made to  
17           Plaintiff Mark Fichtner.
- 18           • Paragraph 113 contains confidential information describing Intel  
19           compensation practices, in particular Intel's practices regarding the total  
20           compensation provided to employees from 2001 to 2011.
- 21           • Paragraph 116 contains confidential information describing Intel  
22           compensation practices, in particular the total compensation paid to Plaintiff  
23           Mark Fichtner.
- 24           • Paragraphs 117-18 confidential information describing Intel's confidential  
25           employment and compensation practices.
- 26           • Paragraph 120 contains confidential information describing confidential  
27           Intel compensation practices, in particular Intel's practices for awarding  
28           equity grants to employees.

- Paragraph 125 contains confidential information describing Intel's confidential employment and compensation practices.
- Footnote 96 on page 35 contains confidential information describing Intel's confidential employment and compensation practices.
- Paragraph 139 contains confidential information describing Intel's employment data.
- Paragraphs 142, 144, 147-148 and related footnote 103 contain confidential information that includes Intel's compensation data and practices.
- Paragraphs 149, 155-56, and related footnotes 111, 112, and 117 contain confidential information that includes Intel's compensation data and practices.
- Footnote 117 on page 41 contains confidential information describing how Intel sets compensation.
- Appendix A3 contains confidential information describing Intel's employment data.
- Appendix A4 contains confidential information describing Intel's actual compensation data, in particular this exhibit provides a breakdown of Intel's particular base salary for particular pay grades.
- Appendix B3 contains confidential information describing Intel's actual compensation data related to equity grants to employees.
- Appendix B4 contains confidential information describing Intel's actual compensation data related to equity grants to employees.
- Appendix B5 contains confidential information describing Intel's actual compensation data to employees in various pay grades.
- Appendix B7 contains confidential information describing Intel's actual employment practices and compensation data.
- Appendix B8 contains confidential information describing Intel's actual employment practices and compensation data.

- 1       • Appendix C1 contains confidential information describing Intel's actual  
2        compensation data related to equity grants to employees.
- 3       • Appendix C2 contains confidential information describing Intel's actual  
4        compensation data related to equity grants to employees.
- 5       • Appendix C5 contains confidential information describing Intel's actual  
6        employment practices and compensation data.
- 7       • Appendix D2 contains confidential information describing Intel's  
8        employment data.
- 9       • Appendix E9, given the particular geographic area covered, contains  
10       information reflecting Intel's confidential compensation data.
- 11       • Appendix E10, given the particular geographic area covered, contains  
12       information reflecting Intel's confidential compensation data.
- 13       • Exhibit A3 contains confidential information describing Intel's employment  
14       data.
- 15       • Exhibit A4 contains confidential information describing Intel's actual  
16       compensation data, in particular this exhibit provides a breakdown of Intel's  
17       particular base salary for particular pay grades.
- 18       • Exhibit B3 contains confidential information describing Intel's actual  
19       compensation data related to equity grants to employees.
- 20       • Exhibit B4 contains confidential information describing Intel's actual  
21       compensation data related to equity grants to employees.
- 22       • Exhibit B5 contains confidential information describing Intel's actual  
23       compensation data to employees in various pay grades.
- 24       • Exhibit B7 contains confidential information describing Intel's actual  
25       employment practices and compensation data.
- 26       • Exhibit B8 contains confidential information describing Intel's actual  
27       employment practices and compensation data.

- Exhibit C1 contains confidential information describing Intel's actual compensation data related to equity grants to employees.
- Exhibit C2 contains confidential information describing Intel's actual compensation data related to equity grants to employees.
- Exhibit C5 contains confidential information describing Intel's actual employment practices and compensation data.
- Exhibit D2 contains confidential information describing Intel's employment data.
- Exhibit E9, given the particular geographic area covered, contains information reflecting Intel's confidential compensation data.
- Exhibit E10, given the particular geographic area covered, contains information reflecting Intel's confidential compensation data.
- Attachment 3 contains confidential information describing Intel's actual compensation data.

14. **Expert Report of David Lewin, Ph.D. (Nov. 25, 2013):**

- Exhibit 13B contains confidential information describing Intel's actual compensation data.
- Exhibit 13C contains confidential information describing Intel's actual compensation data.
- Exhibit 14B contains confidential information describing Intel's actual compensation data.
- Exhibit 15B contains confidential information describing Intel's actual compensation data.
- Exhibit 15C contains confidential information describing Intel's actual compensation data.
- Exhibit 16B contains confidential information describing Intel's actual compensation data.

1           •     Exhibit 16C contains confidential information describing Intel's actual  
2            compensation data.

3        15.   **Supplement to Expert Report of David Lewin, Ph.D. (Dec. 6, 2013):**

4           •     Exhibit 14B.1 contains confidential information describing Intel's actual  
5            compensation data.

6        16.   **Expert Report of Kevin M. Murphy (Nov. 12, 2012):** The grounds for redactions  
7           relating to Intel confidential information are stated in the Declaration of Frank Busch in support of  
8           Defendants' Joint Administrative Motion to File Under Seal, Docket Item 220 (Nov. 12, 2012).

9        17.   **Supplemental Expert Report of Professor Kevin M. Murphy (June 21, 2013):**  
10          The grounds for redactions relating to Intel confidential information are stated in the Declaration  
11           of Frank Busch in support of Defendants' Joint Response to Plaintiffs' Administrative Motion to  
12           File Under Seal, Docket Item 449 (June 22, 2013). This Court approved these redactions in its  
13           Order dated March 14, 2013, Docket Item 730.

14        18.   **Expert Report of Professor Kevin M. Murphy (Nov. 25, 2013):**

15           •     Appendix C-3 reflects Intel's confidential recruiting data, specifically the  
16            companies from which Intel hires employees.  
17           •     Appendix D-3 reflects Intel's confidential recruiting data, specifically the  
18            companies that have hired employees away from Intel.  
19           •     Appendix E and Appendix F are the two prior reports of Professor Kevin  
20            M. Murphy that are addressed in the two entries directly above.

21        19.   **Amended Expert Report of Edward A. Snyder, Ph.D. (December 6, 2013):**

22           •     Paragraph 36 contains confidential information reflecting Intel's methods  
23            for identifying and recruiting potential job candidates.  
24           •     Exhibits 3a and 3b, and the related text in Paragraphs 39 and 43, contain  
25            confidential Intel employment data, in particular they discuss Intel's hiring  
26            and separation statistics from 2002 to 2011.

1       20.   **Expert Report of Lauren J. Stiroh, Ph.D (Nov. 25, 2013):**

- 2       •       Paragraphs 50-58 contain information describing confidential Intel  
3                   compensation practices, in particular these paragraphs describe extensively  
4                   Intel's particular methods and practices for setting appropriate  
5                   compensation.
- 6       •       Paragraph 82 contains information reflecting confidential Intel  
7                   compensation data.
- 8       •       Footnote 206 in Paragraph 110 contains information describing Intel's  
9                   confidential practices for setting appropriate compensation.
- 10      •       Footnote 225 in Paragraph 123 contains information reflecting confidential  
11                   Intel compensation data.
- 12      •       Paragraphs 136 and 137 contain information describing Intel's confidential  
13                   practices for setting appropriate compensation.
- 14      •       Paragraph 180 contains confidential information describing Intel's actual  
15                   compensation data.
- 16      •       Exhibits III.25 – III.32 contain information describing confidential Intel  
17                   employment and compensation data.
- 18      •       Exhibits III.54 – III.55 contain information describing confidential Intel  
19                   compensation data.
- 20      •       Exhibit IV.1 contains confidential information reflecting Intel's methods for  
21                   identifying and recruiting potential job candidates.
- 22      •       Exhibit IV.3 – IV.5 contain information describing confidential Intel  
23                   employment data.
- 24      •       Exhibit IV.15 contains confidential information describing Intel  
25                   employment and compensation data, in particular this exhibit provides a  
26                   breakdown of Intel's particular compensation practices over time with  
27                   respect to individual job titles.

- Exhibit IV.16 contains confidential information describing Intel's actual compensation data.
- Exhibit IV.20 contains confidential information describing Intel's actual compensation data.
- Exhibit IV.23 contains confidential information describing Intel employment data.
- Exhibit IV.28 contains confidential information describing Intel's actual compensation data.
- Exhibit IV.30 contains information reflecting Intel's confidential compensation practices, in particular the information relates to Intel's methods for setting appropriate compensation levels.
- Exhibit IV.37 contains confidential information describing Intel's actual compensation data.
- Exhibit V.5 contains confidential Intel information reflecting the actual compensation of named plaintiff Mark Fichtner.
- Appendix Exhibit III.1 contains confidential information describing Intel's actual compensation data.

**Fact Witnesses Depositions**

21. **Daniel McKell, Deposition Excerpts (Mar. 20, 2013) [Cisneros Ex. HH, Docket**

20 **Item 605]:** The grounds for redactions of Intel confidential information in this document are  
21 stated in the Bowen Declaration ¶ 4-10.

**Documents**

22. **Harvey Declaration:** Ex. 140 (76512DOC000926): The document contains  
23 confidential Intel information regarding Intel's recruiting and hiring practices, including detailed  
24 instructions on Intel's policies and practices for making job offers.

26. **Harvey Declaration:** Ex. 142 (76545DOC000021): The grounds for redactions  
27 of Intel confidential information in this document are stated in the Evangelista Declaration, ¶¶ 3-9.

1 This document was sealed in its entirety pursuant to this Court's order dated January 15, 2013,  
 2 Docket Item 273.

3       24.    **Harvey Declaration:** Ex. 143 (76550DOC000014): The grounds for redactions  
 4 of Intel confidential information in this document are stated in the Evangelista Declaration, ¶¶ 3-9.  
 5 This document was sealed in its entirety pursuant to this Court's order dated January 15, 2013,  
 6 Docket Item 273.

7       25.    **Harvey Declaration:** Ex. 145 (76566DOC000005): The grounds for redactions  
 8 of Intel confidential information in this document are stated in the Evangelista Declaration, ¶¶ 3-9.  
 9 This document was sealed in its entirety pursuant to this Court's order dated January 15, 2013,  
 10 Docket Item 273.

11       26.    **Harvey Declaration:** Ex. 146 (76566DOC000085): The grounds for redactions  
 12 of Intel confidential information in this document are stated in the Evangelista Declaration, ¶¶ 3-9.  
 13 This document was sealed in its entirety pursuant to this Court's order dated January 15, 2013,  
 14 Docket Item 273.

15       27.    **Harvey Declaration:** Ex. 148 (76577DOC000219): The document, which is a  
 16 white paper and supporting documents, contains confidential Intel information regarding Intel's  
 17 recruiting and hiring practices, including specific data on Intel's hiring from particular companies.  
 18 The grounds for redaction of the confidential Intel information are stated in the Declaration of  
 19 Todd Christensen in Support of Defendants' Joint Administrative Motion to File Under Seal,  
 20 Docket Item 628, ¶¶ 4-9 (Feb. 21, 2014), and the Declaration of Lawrence S. Achorn in Support of  
 21 Defendants' Joint Administrative Motion to File Under Seal, Docket Item 626, ¶¶ 4-10 (Feb. 21,  
 22 2014).

23       28.    **Harvey Declaration:** Ex. 149 (76579DOC000714): The document contains  
 24 confidential Intel information regarding Intel's recruiting and hiring practices, including detailed  
 25 instructions on Intel's policies and practices for making job offers.

26       29.    **Harvey Declaration:** Ex. 150 (76579DOC002323): The grounds for redactions  
 27 of Intel confidential information in this document are stated in the Evangelista Declaration, ¶¶ 3-9.  
 28

1 This document was sealed in its entirety pursuant to this Court's order dated January 15, 2013,  
 2 Docket Item 273.

3       30.     **Harvey Declaration:** Ex. 152 (76582DOC000902): The document contains  
 4 confidential information regarding Intel's compensation practices, including detailed discussion of  
 5 Intel's methods for setting compensation, with specific examples applying Intel's confidential pay  
 6 methods to particular jobs.

7       31.     **Harvey Declaration:** Ex. 153 (76592DOC015613): The grounds for redactions  
 8 of Intel confidential information in this document are stated in the Evangelista II Declaration, ¶¶  
 9 4-9. This Court approved these redactions in its Order dated September 30, 2013, Docket Item  
 10 509.

11       32.     **Cisneros Declaration:** Ex. 391 (76583DOC003750): The grounds for redactions  
 12 of Intel confidential information in this document are stated in the Declaration of Bradley S.  
 13 Phillips in Support of Notice of Filing Revised Redacted Intel Corp. Documents Filed in Support  
 14 of Defendants' Joint Response to Plaintiffs' Administrative Motion to File Under Seal Plaintiffs'  
 15 Motion in Support of Class Certification and Related Documents, Docket Item 538 (January 22,  
 16 2014) (the "Phillips Declaration") and the referenced Bowen Declaration ¶¶ 4-10. This Court  
 17 approved these redactions in its Order dated March 14, 2014, Docket Item 730.

18       33.     **Cisneros Declaration:** Ex. 393 (76583DOC002007): The grounds for redactions  
 19 of Intel confidential information in this document are stated in the Phillips Declaration and the  
 20 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
 21 March 14, 2014, Docket Item 730.

22       34.     **Cisneros Declaration:** Ex. 398 (76579DOC005956): The grounds for redactions  
 23 of Intel confidential information in this document are stated in the Phillips Declaration and the  
 24 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
 25 March 14, 2014, Docket Item 730.

26       35.     **Cisneros Declaration:** Ex. 399 (76582DOC000004): The grounds for redactions  
 27 of Intel confidential information in this document are stated in the Phillips Declaration and the

1 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
 2 March 14, 2014, Docket Item 730.

3       36.   **Cisneros Declaration:** Ex. 400 (765825DOC001211): The grounds for redactions  
 4 of Intel confidential information in this document are stated in the Phillips Declaration and the  
 5 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
 6 March 14, 2014, Docket Item 730.

7       37.   **Cisneros Declaration:** Ex. 478 (76616DOC12164): The grounds for redactions  
 8 of Intel confidential information in this document are stated in the Phillips Declaration and the  
 9 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
 10 March 14, 2014, Docket Item 730.

11       38.   **Cisneros Declaration:** Ex. 781 (76596DOC017010): The grounds for redactions  
 12 of Intel confidential information in this document are stated in the Phillips Declaration and the  
 13 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
 14 March 14, 2014, Docket Item 730.

15       39.   **Cisneros Declaration:** Ex. 2030 (McKell Declaration): The grounds for  
 16 redactions of Intel confidential information in this document are stated in the Phillips Declaration  
 17 and the referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order  
 18 dated March 14, 2014, Docket Item 730.

19       40.   **Cisneros Declaration:** Ex. 2031 (76512DOC000638): The grounds for redactions  
 20 of Intel confidential information in this document are stated in the Oct. 8, 2012 Evangelista  
 21 Declaration ¶¶ 3-9. This document was sealed in its entirety pursuant to this Court's order dated  
 22 January 15, 2013, Docket Item 273.

23       41.   **Cisneros Declaration:** Ex. 2033 (76657DOC004599): The grounds for redactions  
 24 of Intel confidential information in this document are stated in the Phillips Declaration and the  
 25 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
 26 March 14, 2014, Docket Item 730.

27       42.   **Cisneros Declaration:** Ex. 2035 (76657DOC019261): The grounds for redactions  
 28 of Intel confidential information in this document are stated in the Phillips Declaration and the

1 referenced Bowen Declaration ¶¶ 4-10. This Court approved these redactions in its Order dated  
2 March 14, 2014, Docket Item 730.

3       43.     **Cisneros Declaration:** Ex. 2043 (76657DOC016874): The document contains  
4 confidential information describing in detail Intel's compensation practices, including the manner  
5 in which it makes compensation decisions and establishes salary ranges.

6       44.     **Cisneros Declaration:** Ex. 2356 (PIX00002094): The document, which is a white  
7 paper and supporting documents by Pixar Animation Studios, contains confidential Intel  
8 information regarding Intel's collaborations with Pixar. The grounds for redactions of the Intel  
9 confidential information are stated in the Declaration of Kasia Hanson in Support of Defendants'  
10 Joint Administrative Motion to Seal, Docket Item 630, ¶¶ 4-8 (Feb. 21, 2014),

### *The Particularized Harm Disclosure Would Cause*

12        45.     According to the Evangelista Declarations (along with other declarations  
13 referenced above), which address the same (or substantially similar) types of information as that  
14 which is redacted in the above-referenced documents, Intel would suffer particular harm if the  
15 redacted information is disclosed to the public. Disclosure of such information would put Intel at  
16 a significant competitive disadvantage in terms of its ability to identify, recruit, and compensate  
17 employees. Evangelista Decl. ¶ 8. Disclosure of such information would deprive Intel of its  
18 investment in developing strategies for recruiting and compensation. *Id.* And disclosure of such  
19 information would give Intel’s competitors an unearned advantage by informing them of Intel’s  
20 compensation strategies, compensation levels, and other related information. *Id.*

21 46. Because the information redacted in the above-referenced documents cannot be  
22 disclosed without causing particularized harm to Intel, it should be protected from public  
23 disclosure.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct.

3 Executed this 10th day of April, 2014 at Los Angeles, California.

4 DATED: April 10, 2014

5 /s/ *Gregory M. Sergi*

6 Gregory M. Sergi

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